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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,517	08/14/2001	Bruce B. Fitts	RGP-0034	8238

7590 12/03/2003

CANTOR COLBURN LLP  
55 Griffin Road South  
Bloomfield, CT 06002

EXAMINER
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BELL, BRUCE F

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 12/03/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

C10 11

<b>Office Action Summary</b>	<b>Application No.</b> 09/929,517	<b>Applicant(s)</b> FITTS ET AL.	
	<b>Examiner</b> Bruce F. Bell	<b>Art Unit</b> 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☐ Responsive to communication(s) filed on \_\_\_\_.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-50 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.

5) ☒ Claim(s) 30-50 is/are allowed.

6) ☒ Claim(s) 1,9,10,19-22 and 29 is/are rejected.

7) ☒ Claim(s) 2-8,11-18 and 23-28 is/are objected to.

8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5-9</u> .	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other:
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***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1, 9, 10, 19-22, 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Fouts, Jr. et al (4545926).

Fouts, Jr. et al disclose a composite polymer composition having conductive particles. The conductive polymer composition has a volume resistivity of from about  $10^{-5}$  to about  $10^5$  ohm-centimeters. The conductive particles can be metal or graphite particles. The amount of conductive particles in the composite polymer composition is in an amount of from 30 to 60 volume percent. The particle shapes can be of any shape but spherical is preferred. See col. 3, line 67 – col. 4, line 68.

Fouts, Jr. et al anticipates the instant invention as set forth above. The composite shown in the Fout's patent is shown to have a resistivity of less than 1 ohm-cm to  $10^{-4}$  ohm-cm and in particular can have resistivities of less than .1 ohm-cm. See col. 4, lines 18-24. The conductive filler used and the amount of filler in the composite are disclosed as well as the use of a curing agent. Therefore, the prior art of Fouts, Jr. et al anticipates the applicants' instant invention as set forth in the claims.

***Allowable Subject Matter***

3. Claims 2-8, 11-18, 23-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 30-50 are allowable over the prior art of record.

5. The following is a statement of reasons for the indication of allowable subject matter: The prior art of Fouts, Jr. et al fail to teach and/or suggest the use of an unsaturated butadiene or isoprene containing polymer in conjunction with a thermosetting resin of a poly-butadiene or poly-isoprene. The molecular weight of the thermosetting resin is also not taught nor is the use of a monomer with vinyl unsaturation. Thermal conductivity of the composite material is also not taught or suggested, nor is the linear shrinkage of the article molded from the composite material.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce F. Bell whose telephone number is 703-308-2527. The examiner can normally be reached on Monday-Friday 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 703-308-4333. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

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BFB

December 1, 2003



Bruce F. Bell

Primary Examiner

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